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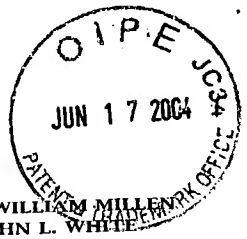

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June 16, 2004

U.S. Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/051,352
U.S. Patent Application No. 10/803,847

Dear Sirs:

The enclosed papers were sent to our firm in error.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

Anthony J. Zelano

Enclosures
Office Action (USP 10/051,352)
Filing Receipt (USP 10/803,847)

AJZ:bcf

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,352	01/18/2002	Timothy W. Rawlings	9059.00	9275

7590 06/07/2004

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EXAMINER	
NORDMEYER, PATRICIA L	
ART UNIT	**PAPER NUMBER**
1772	

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CASE _____
ACTION _____
DUE DATE _____
_____

CASE _____
ACTION _____
DUE DATE _____
_____

Office Action Summary	Application No.	Applicant(s)	
	10/051,352	RAWLINGS, TIMOTHY W.	
	Examiner	Art Unit	
	Patricia L. Nordmeyer	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19 and 22-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19 and 22-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Withdrawn Rejection

1. The 35 U.S.C. 112 2nd paragraph rejection of claims 1 – 19, 22 and 23 is withdrawn due to the Applicant's amendments in the paper dated April 28, 2004.

2. The 35 U.S.C. 103 rejection of claims 4, 7, 8 and 11 – 13 over Tataryan et al. (USPN 6,136,130) in view of Popat et al. (USPN 5,662,976) is withdrawn due to the Applicant's amendments in the paper dated April 28, 2004 and the lack of a rejection of claim 11 by the Examiner.

Repeated Rejection

3. The 35 U.S.C. 103 rejection of claims 1 – 3, 5, 6, 9, 10 and 17 – 19 over Tataryan et al. (USPN 6,136,130) is repeated for the reasons of record stated in the paper dated January 28, 2004. Please the last paragraph of the rejection to the addition to the rejection covering the amendment to claim 1.

Tataryan et al. discloses a printable substrate that is folded during storage and is unfolded before being printed on (Column 1, lines 4 – 6). The substrate is a single sheet of card stock or a label laminate with integrated labels (Column 3, lines 13 – 14) that contains one fold line across the width of the sheet, defining where the sheet is folded (Figure 1, #24). A line of perforations extends across the width and entire thickness (Figure 3, #26) of the sheet, allowing the sheet to

be folded (Column 4, lines 57 – 62). The perforations are able to be formed in a variety of combinations and configurations as long as the perforations provide the necessary strength and flexibility (Column 4, lines 47 – 57), and they are inherently formed in a discontinuous line of perforations with intermittent non-perforated areas (Figure 1, #24). The sheet is folded and unfolded at least once before printing without separation occurring (Figure 4). In order to separate the sheet at the fold line, a tensile strength of at least 4.5 to 5 or more kilograms must be applied (Column 4, lines 38 – 41). The non-perforated sections of the fold line comprise 50% of the fold line (Column 5, lines 5 – 7).

The prior art element, the fold line formed of constant perforations across the width of the sheet (Figure 3, #26) is a structural equivalent of the corresponding element disclosed in the specification, the fold line formed of microperforated sections and non-perforated sections. That is, the prior art element performs the function, the ability of fold line to allow the sheet to be fold and unfolded along its length before printing or after printing (Column 1, lines 42 – 49), specified in the claim in substantially the same manner as the function is performed by the corresponding element, the fold line with microperforated and non-perforated sections, described in the specification. MPEP 2183.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the length of the fold line to be folded and unfolded as described above.

One of ordinary skill in the art would have recognized the claimed printable substrate with both non-perforated and perforated sections in an alternating pattern having the length of non-perforated section being greater than one tie of the microperforation is performing an equivalent function to the substrate of Tataryan et al. since the printable substrate of Tataryan et al. is perforated while being perforated with a continuous pattern has the same strength of the claimed invention while keeping the perforations intact. Therefore, one of ordinary skill in the art would readily determine that the printable substrate of Tataryan et al. performs an equivalent function to the claimed printable substrate depending on the desired end results in the absence of unexpected results.

New Rejections

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4, 7, 8, 11 – 16 and 22 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tataryan et al. (USPN 6,136,130) in view of Popat et al. (USPN 5,662,976) and further in view of Black (USPN 6,540,131).

Tataryan et al. discloses the claimed printable substrate with a line of perforations that

extends across the width and entire thickness (Figure 3, #26) of the sheet, allowing the sheet to be folded (Column 4, lines 57 – 62). The perforations are able to be formed in a variety of combinations and configurations as long as the perforations provide the necessary strength and flexibility (Column 4, lines 47 – 57), therefore it would be obvious to one of ordinary skill in the art to form the perforations in a discontinuous line of perforations with intermittent non-perforated areas where the length of the non-perforated section is 20% of the width with areas of microperforations of equal length. However, Tataryan et al. fails to disclose the printable substrate being a form with removable labels integrated therein having preprinted indicia on said print medium, the substrate having two or more fold lines, the perforations having a maximum dimension in the range of 0.2 to 0.4 mm and the ties between these perforations are less than 0.5 mm in length and wherein the non-perforated sections have a length from 1 to 5 mm.

Popat et al. teaches to use fold lines formed by microperforations through the thickness of the card stock (Figure 3, #48 and 50 and Column 3, lines 40 – 46) to form two or more sections (Column 2, lines 51 – 55), where the microperforations have cuts in lengths between 0.24 mm to 0.27mm and ties between 0.11mm and 0.14 mm (Column 8, lines 44 – 49) in a printable laminated card substrate with preprinted indicia on the substrate (Column 7, lines 35 – 37) for the purpose of printing a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path.

Black teaches the use of breaks, or non-perforated sections, having a length of 5 to 10 mm (Column 6, lines 18 – 20 and Figure 3, #22) on a fold line in a stationary formed with

printable material (Column 6, lines 63 – 64) for the purpose of preventing the propagation of a tear along a crease line in a printable substrate (Column 6, lines 25 – 30).

Therefore, one of ordinary skill in the art would have recognized that the changing of the lengths of perforations and non-perforated areas is well known in the art to be used in combination with printable substrates to prevent jams in the printer paper path as taught by Popat et al. and to prevent the propagation of a tear along a crease line in a printable substrate as taught by Black.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the microperforations with specific cut and tie lengths in a card stock material with preprinted indicia and non-perforated sections having a length of 5 to 10 mm in Tataryan et al. in order to print a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path and to prevent the propagation of a tear along a crease line in a printable substrate as taught by Popat et al. and Black.

Response to Arguments

6. Applicant's arguments filed April 28, 2004 have been fully considered but they are not persuasive.

In response to Applicant's argument that the references fail to disclose the perforations as

Microperforations with lengths less than 0.5 mm, Popat et al. teach perforations have cuts in lengths between 0.24 mm to 0.27mm and ties between 0.11mm and 0.14 mm (Column 8, lines 44 – 49), which fall within the range specified in the specification of the lengths of microperforations.

In response to Applicant's argument that the references fail to disclose non-perforated sections having lengths between 1 – 5 mm, please see the above new 35 U.S.C. rejection with the introduction of the new prior art, Black, USPN 6,540,131.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln

HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

6/3/04

Notice of References Cited	Application/Control No. 10/051,352	Applicant(s)/Patent Under Reexamination RAWLINGS, TIMOTHY W.	
	Examiner Patricia L. Nordmeyer	Art Unit 1772	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,540,131	04-2003	Black, Stephen	229/92.3
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.